IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2500 OF 2006.

Shri Narayan Dagdu Tatruk
and another. ... Petitioners.

V/s.

Shri Laxman Janu Bhaud ... Respondents.

S.V.Gavand for the petitioners.

P.S.Dani for the respondent.

CORAM: V.C.DAGA, J.

DATED: 23rd March 2007.

P.C.:

. Heard learned counsel for the petitioners.

. Perused petition.

2. This petition is directed against the order dated 12th January, 2006 passed below Exh.18 in Civil appeal No.96/2005 by the district Judge, Raigad-Alibag, whereby an application for amendment came to be rejected.

3. The learned counsel for the petitioner fairly submits that the defence with regard to the claim that the petitioner/ tenant has become permanent licensee may be treated as not pressed. In this view of the matter, so far as amendment

seeking to incorporate para 14-A in the pleading is concerned, application to that extent was properly rejected.

4. So far as second part of amendment leading claim of annual tenancy is concerned, the same also cannot be allowed for want of material facts and particulars in the proposed pleadings. In this view of the matter, no fault can be found with the impugned order rejecting prayer for amendment of written statement.

5. Petition is, thus, dismissed in limine with no order as to costs.

(V.C.DAGA, J.)